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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,448	12/03/2003	Jefferson Craig Lind	988.1045000	6733

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EXAMINER	
MCCULLOCH JR, WILLIAM H	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
07/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,448	LIND ET AL.	
	Examiner	Art Unit	
	William H. McCulloch Jr.	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/2007 has been entered. Claims 1-18 and 20-23 are pending in the application, with claims 1-2, 4-12, 15-16, 18, and 20-23 currently amended, and claim 19 cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0003980 to Moody (hereinafter Moody).

Regarding claims 1, 18, and 20, Moody teaches a method and program product including the following:

(a) obtaining a game play result for a player in response to a game play request in a game (player initiates primary game; see at least paragraphs 14-19), the game play

result being associated with a prize value and being obtained independently of play in a bonus round for the game (determination of a bonus round outcome is established before the player plays the bonus round; see at least paragraphs 14-19);

(b) associating the game play result with the bonus round (a determined outcome of the primary game indicates that a bonus round will be performed by the gaming machine; see at least paragraphs 17-20);

(c) after the game play request in the game, enabling the player to play the bonus round by presenting the player with a number of selection options from which to choose and enabling the player to make a selection from among the selection options (player makes selections, such as by answering multiple-choice questions, in the bonus game; see at least paragraphs 20-23);

(d) concealing the prize value from the player during the bonus round until the player makes the selection (the player is unaware of the bonus prize amount until making at least one selection; see Id.);

(e) in response to the selection, displaying the prize value to the player as a result for play of the bonus round (as before, the player is unaware of the bonus prize amount until making at least one selection; see Id).

Regarding claim 2, Moody teaches a method further including obtaining an additional game play result for the player in response to an additional game play result in the game, the additional game play result comprising a non-bonus round game play result and being associated with a respective prize value, and also including responding to the non-bonus round game play result by displaying to the player the respective prize

value associated with the non-bonus round game play result, the non-bonus round game play result not being associated with the bonus round (Moody teaches such in a subsequent, non-bonus outcome of the primary game; see at least paragraphs 16-17).

Regarding claim 3: In applicant's remarks received by the Office on 5/25/2007, applicant essentially argues that the "bingo card pattern" and "bingo-type game" recitations do not necessarily refer to traditional bingo games wherein a player manually daubs the card in the spaces representing 'called' bingo balls (see pages 12-13). In view of these arguments, the examiner will interpret the bingo-related recitations of claim 3 as being merely visual in the sense that the output looks like a bingo game, but no bingo game is implemented. As such, the invention as claimed must exhibit a game output to the player that is obtained independently of actual play of the bonus game (see claim 1), and that appears to the player to represent a bingo card pattern. In actuality, the player has not played a game of bingo, but rather the player has made a selection and in response, the game device outputs a prize value and what appears to the player to be a winning bingo outcome commensurate with the prize value. Therefore, Moody anticipates the recited bingo-type pattern in at least the teaching of a slot machine game outcome, wherein a winning outcome may correspond, for example, to all elements of one diagonal of an N-by-N grid having the same symbol.

Regarding claim 4, Moody further teaches that associating the game play result with the bonus round is performed in response to a random event (e.g. the bonus round is initiated in response to a particular combination of symbols on a play line of a video slot machine; see at least paragraph 17).

Regarding claims 5 and 21, Moody further teaches that associating the game play result with the bonus round is performed in response to a predetermined event, wherein the predetermined event is the player's request for a game play result (see rejection of claim 1). The request to play the game is unrelated to the selection by the gaming machine of game play result.

Regarding claim 6, Moody teaches that the step of associating the game play result with the bonus round is performed according to a predetermined relationship between the game play result and the bonus round (similar to the explanation of claim 4, Moody teaches that the association of the game play result with the bonus round is performed according to a relationship between the symbols on a payline and the predetermined set of primary game outcomes that yield a bonus round.)

Regarding claims 7 and 22, Moody teaches the limitations of the claim by displaying the graphical depictions associated with the selection bonus game, as described above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of admitted prior art.

Claims 8 and 23 are directed toward a bonus game wherein a player is presented with a number of selection options from which to choose and is a graphical depiction of a number of participants in a contest. Moody teaches the invention substantially as described above but lacks in explicitly teaching that players may choose participants of a contest. As was detailed in the previous two rejections, it was notoriously well known in the art to offer bonus games wherein a player may select one or more racers, for instance horses in a race, on which to place bets and possibly win bonus prizes. It was also explained in the previous actions that such a limitation would have been obvious to one of ordinary skill in the art at the time of invention. Applicant has not seasonably challenged the examiner's assertion that it was known in the art at the time of invention to offer such games wherein the player selects objects representative of participants in a contest, and as such that assertion is now admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Moody in order to allow players to play a game having a graphical depiction of a number of objects representing respective participants in a contest.

6. Claims 9-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of Official Notice.

Regarding claims 9 and 13, Moody teaches the invention substantially as described above with regard to claims 1-7, 18, and 20-22, but lacks in explicitly teaching a game server operable to obtain a game play result for the game play request. The examiner takes official notice that it was known at the time of invention to control a

plurality of gaming machines with a centralized server system. It would have been an obvious to one of ordinary skill in the art at the time of invention to employ a game server in order control a plurality of gaming machines from centralized server system, in order to provide added consistency and security, among other administrative advantages, to the gaming system.

Regarding claims 10 and 14, Moody teaches a bonus association controller (computer controls of the electronic gaming machine; see at least paragraph 14).

Features of claim 11 are shown in the rejection of claim 4 above. Features of claim 12 are shown in the rejection of claim 5 above. Features of claim 15 are shown in the rejection of claim 7 above. Features of claim 17 are shown in the rejection of claim 2 above.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody in view of Official Notice, and in further view of admitted prior art.

The invention taught by Moody in view of Official Notice is described above, and lacks in explicitly teaching that players may choose participants of a contest. It would have been obvious to modify the invention taught by Moody in view of Official Notice for the same reasons set forth above with regard to claims 8 and 23.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.
Examiner
Art Unit 3714
7/18/2007

wm

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SUPERVISORY PATENT EXAMINER
TC3700